

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
NORTHEASTERN DIVISION - GREENEVILLE**

SARAH ARNETT,

Plaintiff,

v.

WINDHAM PROFESSIONALS, INC,

Defendant.

**PLAINTIFF’S VERIFIED
COMPLAINT AND
DEMAND FOR JURY
TRIAL**

SARAH ARNETT (“Plaintiff”), through attorneys, KROHN & MOSS, LTD., alleges the following against WINDHAM PROFESSIONALS, INC, (“Defendant”):

INTRODUCTION

1. Plaintiff’s Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 et seq. (FDCPA).
2. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

JURISDICTION AND VENUE

3. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”
4. Defendant conducts business in the state of Tennessee, and, therefore, personal jurisdiction is established.
5. Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

PARTIES

6. Plaintiff is a natural person residing in Elizabethton, Carter County, Tennessee.
7. Plaintiff is a consumer as that term is defined by 15 U.S.C. 1692a(3), and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by 15 U.S.C. 1692a(5).
8. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6), and sought to collect a consumer debt from Plaintiff.
9. Defendant is a national company located in Salem, New Hampshire.
10. Defendant, in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

FACTUAL ALLEGATIONS

11. Defendant is contacting and communicating with Plaintiff and others regarding an alleged debt owed for a student loan.
12. Defendant places collection calls to Plaintiff at (423) 474-2642 up to five times per day, several days per week.
13. In addition, Defendant has placed collection calls to Plaintiff at her work.
14. On one occasion, a female agent for Defendant threatened to garnish Plaintiff's wages up to \$220.00 per month if immediate payment was not made.
15. Plaintiff made a payment plan with Defendant for \$135.00 a month.
16. However, Defendant withdrew \$160.00 instead without Plaintiff's permission.
17. Plaintiff called Defendant to dispute the withdrawal but Defendant denied doing so.

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

18. Defendant violated the FDCPA based on the following:

- a) Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to annoy, harass and oppress Plaintiff;
- b) Defendant violated §1692d(5) of the FDCPA by repeatedly causing Plaintiff's phone to ring and/or engage in conversation;
- c) Defendant violated §1692e of the FDCPA by using false, deceptive and misleading means in connection with debt collection by withdrawing \$160.00 instead of the agreed upon \$135.00 per month;
- d) Defendant violated §1692e(4) of the FDCPA when it threatened to garnish Plaintiff's wages up to \$220.00 per month;

WHEREFORE, Plaintiff, SARAH ARNETT, respectfully requests judgment be entered against Defendant, WINDHAM PROFESSIONALS, INC, for the following:

- 19. Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k.
- 20. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k
- 21. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

DATED: November 30, 2011

By: /s/ Shireen Hormozdi
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DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, SARAH ARNETT, demands a jury trial in this
case

VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF TENNESSEE

Plaintiff, SARAH ARNETT, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, SARAH ARNETT, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

11-19-2011
Date


SARAH ARNETT